

PROFESSIONAL LICENSURE DIVISION[645]

Adopted and Filed

Rule making related to electronic transmission of prescriptions

The Board of Optometry hereby amends Chapter 182, “Practice of Optometrists,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 124.308 and 155A.27.

Purpose and Summary

Pursuant to Iowa Code sections 124.308 and 155A.27, beginning January 1, 2020, every prescription issued for a prescription drug is to be transmitted electronically as an electronic prescription to a pharmacy or a pharmacy’s agent unless exempted by statute. A practitioner who violates this mandate is subject to an administrative penalty of \$250 per violation, up to a maximum of \$5,000 per calendar year. Optometrists are prescribers subject to this electronic prescription mandate, and thus the Board may assess administrative penalties against its licensees for violations of the electronic prescription mandate beginning January 1, 2020. This rule making incorporates the electronic prescription mandate within the Board’s existing rules governing prescription requirements.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 25, 2020, as **ARC 5003C**. Although a public hearing was scheduled, one was not held due to the COVID-19-related shutdown. The public was allowed to submit comments in writing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Board on July 9, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 30, 2020.

The following rule-making action is adopted:

Adopt the following **new** subrule 182.4(4):

182.4(4) Beginning January 1, 2020, every prescription issued for a prescription drug shall be transmitted electronically unless exempted pursuant to Iowa Code sections 124.308 or 155A.27. Beginning January 1, 2020, a licensee who fails to comply with the electronic prescription mandate may be subject to a nondisciplinary administrative penalty of \$250 per violation, up to a maximum of \$5,000 per calendar year.

[Filed 7/29/20, effective 9/30/20]

[Published 8/26/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/26/20.